

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

DEC 29 2010

PATRICIA PRESLEY, COURT CLERK

by _____
DEPUTY

WESLEY T. MOORE,

Plaintiff,

vs

CITY OF OKLAHOMA CITY and
DANIEL GODSIL,

Defendants.

Case No.

CJ - 2010 - 10459

PETITION

Comes NOW the Wesley T. Moore and for his causes of actions against the Defendants,
alleges and states:

FIRST CAUSE OF ACTION

Govenmental Tort Claim

Title 51 O.S. § 151 et seq.

1. On or about July 24, 2009, the Plaintiff was at his home at 1181 E. Madison Street, Oklahoma City, OK 73111 when the police arrived in the street and stopped in front of his and his mother's homes blocking their drives.

2. Plaintiff's mother needed to exit her driveway and Plaintiff asked the police to move their vehicle so his mother could exit her driveway. Instead of moving his vehicle, Officer Daniel Godsil arrested and imprisoned Plaintiff, negligently using unnecessary roughness handcuffing Plaintiff too tight and when Plaintiff informed Officer Godsil that they were too tight, he refused to loosen them; causing permanent injury to the nerves in Plaintiff's left hand and trauma to Plaintiff's left distal forearm, causing a scab to form.

3. At the direction of Defendant Godsil, Plaintiff was booked into the Oklahoma County jail and compelled to submit to fingerprinting and photographing of his person, by personnel in the employ of the Oklahoma County Sheriff and/or City of Oklahoma City Police Department, which facilities were provided for the use of the City of Oklahoma City Police Department.

4. As a result of the negligence of the Defendant, Daniel Godsil while in the scope of his employment with the City of Oklahoma City, Plaintiff has suffered permanent injury to the

EXHIBIT

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nerves in his left hand, pain and suffering and mental anguish; all to his damage in excess of \$10,000.00.

WHEREFORE, upon a trial of the issues in his first cause of action, Plaintiff asks for judgment against the Defendant City of Oklahoma City for a sum in excess of \$10,000.00 and his costs.

SECOND CAUSE OF ACTION

Violation of Civil Rights

Title 42 USC § 1983

4. Plaintiff restates the statements and re-alleges the allegations contained in his first cause of action for his second cause of action by reference thereto and makes them a part of his second cause of action, as if restated and re-alleged in full herein.

5. Plaintiff is a citizen of the United States and a resident of Oklahoma City, Oklahoma County, State of Oklahoma.

6. Defendant Daniel Godsil was at all times herein material, a duly employed and acting police officer for the City of Oklahoma City, a municipal corporation and a political subdivision of the State of Oklahoma.

7. Each and every act of Defendant Godsil forming the basis of this cause of action was done, not as an individual, but under the color and pretense of the statutes, ordinances, regulations, customs and usages of the State of Oklahoma, County of Oklahoma and City of Oklahoma City and under the authority of his office as a policeman.

8. At the direction of Defendant Godsil, Plaintiff was booked into the Oklahoma County jail and compelled to submit to fingerprinting and photographing of his person, by personnel in the employ of the Oklahoma County Sheriff and/or City of Oklahoma City Police Department, which facilities were provided for the use of the City of Oklahoma City Police Department.

9. No criminal charges were ever filed in connection with or in support of the arrest and imprisonment.

10. As a result of the violation of his constitutional and civil rights, Plaintiff has been deprived of his right to be secure against search and seizure of his person and effects, the right of Plaintiff not to be deprived of his life, liberty or property without due process of law and the right

to equal protection of the laws of the State of Oklahoma, City of Oklahoma City and the United States.

11. As a result of the false arrest, false imprisonment, violation of his civil rights, Plaintiff suffered loss of liberty, extreme mental anguish including fright, horror, anger, embarrassment, humiliation, chagrin and worry, all to his damage in excess of \$10,000.00 actual damages.

11. The acts of wrongful arrest and false imprisonment were performed knowingly and intentionally and maliciously by Defendant Godsil; for which Plaintiff is entitled to an award of punitive damages in excess of \$10,000.00 in addition to his actual damages in excess of \$10,000.00.

WHEREFORE, upon trial of the issues of his second cause of action, Plaintiff asks for judgment against the Defendant Godsil in the sum of in excess of \$10,000.00 actual damages and in excess of \$10,000.00 punitive damages; and his costs, including a reasonable attorney fee.



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